

By: Johnson

S.B. No. 729

A BILL TO BE ENTITLED

AN ACT

relating to maintenance and production of electronic public information under the public information law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.002(a-2), Government Code, is amended to read as follows:

(a-2) The definition of "public information" provided by Subsection (a) applies to and includes:

(1) any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business; and

(2) data dictionaries and other indicia of the type or category of information held in each field of a database.

SECTION 2. Subchapter E, Chapter 552, Government Code, is amended by adding Section 552.2285 to read as follows:

Sec. 552.2285. ELECTRONIC PUBLIC INFORMATION. (a) In this section "electronic public information" means public information that is produced and maintained in an electronic spreadsheet or database that is searchable or sortable.

(b) A governmental body's use of an electronic recordkeeping system may not erode the public's right of access to public information under this chapter. The contents of electronic public information, including information covered by Section

1 552.002(a-2), is significant and not merely used as a tool for the
2 maintenance, manipulation, or protection of property.

3 (c) If a request for public information applies to
4 electronic public information and the requestor requests the
5 electronic public information in a searchable or sortable format,
6 the governmental body shall provide an electronic copy of the
7 requested electronic public information in the searchable or
8 sortable format requested using computer software the governmental
9 body has in its possession. If the requestor prefers, the
10 governmental body shall provide a copy of electronic public
11 information in the form of a paper printout.

12 (d) A governmental body may not refuse to provide a copy of
13 electronic public information on the grounds that exporting the
14 information or redacting excepted information will require
15 inputting range, search, filter, report parameters, or similar
16 commands or instructions into the governmental body's computer
17 system if the commands or instructions can be executed with
18 computer software used by the governmental body in the ordinary
19 course of business to access, support, or otherwise manage the
20 information.

21 (e) A requestor may request that a copy of electronic public
22 information be provided in the format in which the information is
23 maintained by the governmental body or in a standard export format
24 such as a flat file electronic American Standard Code for
25 Information Interchange (ASCII) if the governmental body's
26 computer programs support exporting the information in that format.
27 The governmental body shall provide the copy in the requested

1 format or in another format acceptable to the requestor. The
2 governmental body shall provide the copy on suitable electronic
3 media.

4 (f) If electronic public information is maintained by a
5 governmental body in a format that is:

6 (1) searchable but not sortable, the governmental body
7 shall provide an electronic copy of the information in a searchable
8 format that complies with this section; or

9 (2) sortable, the governmental body shall provide an
10 electronic copy of the information in a sortable format that
11 complies with this section.

12 (g) A governmental body shall use reasonable efforts to
13 ensure that a contract entered into by the governmental body for the
14 creation and maintenance of electronic public information does not
15 impair the public's ability to inspect or copy the information or
16 make the information more difficult for the public to inspect or
17 copy than records maintained by the governmental body.

18 (h) This section applies to public information for which a
19 third party is the custodian for the governmental body.

20 (i) This section does not affect the applicability to
21 electronic public information of a confidentiality provision or
22 other exception from required disclosure.

23 (j) Subchapter F applies to an electronic copy or paper
24 printout of electronic public information.

25 SECTION 3. The changes in law made by this Act apply only to
26 a request for public information received by a governmental body on
27 or after the effective date of this Act. A request received before

1 that date is governed by the law in effect when the request was
2 received, and the former law is continued in effect for that
3 purpose.

4 SECTION 4. This Act takes effect September 1, 2021.